

KATZMELINGER
370 LEXINGTON AVENUE, SUITE 1512
NEW YORK, NEW YORK 10017
WWW.KATZMELINGER.COM

Nicole Grunfeld
Katz Melinger PLLC

o: 212.460.0047
f: 212.428.6811
ndgrunfeld@katzmelinger.com

November 16, 2023

Via ECF

The Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Rodriguez v. Edison's Restaurant et al
Civil Action No. 1:22-cv-01909-VSB

Dear Judge Broderick:

Our office represents Plaintiff in the above-captioned matter, and we submit this letter to request the Court order Defendants to either finalize the proposed settlement between the parties, or show cause why the Court should not enter a revised discovery plan allowing the matter to proceed.

The parties reached a settlement in principle during mediation at which *pro se* Defendants were represented by *pro bono* counsel for the purposes of settlement only. Defendants' settlement counsel has not otherwise appeared in this matter, but indicated that he would represent Defendants for purposes of finalizing the settlement. We duly notified the Court of the settlement in principle and, as this matter arises under the FLSA, the Court ordered that the settlement agreement ("Agreement") be submitted for approval.

Our office provided Defendants' counsel with the draft Agreement on October 6, 2023, but we have yet to receive a response, despite following up by phone and/or email on the following dates: October 11, October 12, October 13, October 16, October 17, October 23, October 25, October 30, November 1, November 2, November 6, November 7, November 8, November 9, November 10, and November 14, 2023.

After two prior extensions, the current deadline for submitting the Agreement for approval is November 17, 2023. Although Defendants' counsel acknowledged receipt, neither Defendants nor their counsel have commented in any manner on the draft Agreement provided six weeks ago. Accordingly, the Agreement has not been finalized or executed. As Defendants' counsel stated that he would represent them until the settlement is finalized, and has otherwise indicated that he

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is still in communication with them, we have not reached out directly to Defendants, who are currently represented opposing parties.

Given our inability to finalize the Agreement, we respectfully ask the Court to order Defendants to finalize the Agreement or show cause why the Court should not set a discovery schedule so the matter may proceed.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Nicole Grunfeld
Nicole Grunfeld

Cc: Michael Samuel

**APPLICATION GRANTED
SO ORDERED Vernon S. Broderick**
VERNON S. BRODERICK
U.S.D.J. 12/14/2023

If the parties intend to finalize the Settlement Agreement, they must do so by no later than December 21, 2023. If the parties fail to finalize the Settlement Agreement by that date, the parties will be ordered to show cause why the Court should not set a discovery schedule so the matter may proceed.